

REMARKS

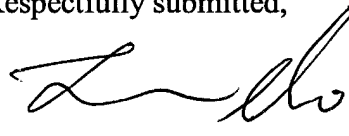
In response to the office communication dated July 28, 2004, Applicant elects the invention of Group I, i.e., claims 1-11, drawn to a composition including three or four herbs. Applicant further elects *Magnolia biondii* Pamp. as the single species. The election is made without traverse.

Applicant has withdrawn claims 12-41, added the term "*Flos Magnoliae*" in the Specification and new claims 42-44 reciting this term. Note that this term is the English translation of "Xin-Yi" or "Xin-Yi Hua" recited at page 2, line 4 of the Specification. See two on-line publications, a copy of which is attached hereto as "Exhibit A" and "Exhibit B." According to these two publications, *Flos Magnoliae* includes the flowers of *Magnolia biondii* Pamp., *Magnolia denudata* Desr., *Magnolia sprengeri*, and *Magnolia liliflora* Desr., all of which are recited at page 3, lines 5-6 of the Specification. No new matter has been introduced by the above amendments.

Applicant asks that elected claims 1-11, as well as claim 42 dependent from claim 1, be examined in view of the above amendments.

Enclosed in a check for the Petition for Extension of Time fee. Please apply any charges to Deposit Account No. 06-1050, referencing Attorney's Docket No.: 12841-006001.

Respectfully submitted,

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Date: 10-28-2004

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## Xin yi(Flos Magnoliae)

### Origin

Xinyi is dried flower-buds of *Magnolia liliiflora*, *M. Biondii* or *M. Denudata*, family *Magnoliaceae*.

### Property, taste and attributive meridian

Pungent in taste, cold in nature, and attributive to liver, stomach channel.S

### Function and indications

Expel wind and cold, clear the nasal passage. Indicated for rhinorrhea with turbid discharge, headache due to cold, stuffy nose, running nose, presently also for acute and chronic rhinitis and naso sinusitis.

### Modern research

Chemical components: volatile oil 3.4% is contained in flower-bud.

### Pharmacological action.

1. Local astringency, stimulation and anesthesia.
2. Antianaphylaxis and anti-inflammation.
3. Lowering blood pressure.
4. exciting uterus.

Xinyi decoctum and infusum can excite unpregnant uterus of rats and rabbits in vitro and strengthen contraction amplitude, frequency and tensity, high density can cause tonic contraction.

5. Anti-platelet aggregation.
6. Antimicrobial action.

Xinyi has different inhibition on staphylococcus aureus, streptococcus pneumoniae, II- streptococcus, diphtheria bacilli, dysentery bacilli, bacillus pyocyaneus, escherichia coli, etc. in vitro.

### Clinical application

Treating rhinitis and nascsinusitis.

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Herbasin

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## Herbasin Chinese herb database - Flos Magnoliae (Xin Yi)

English Name

Biond Magnolia Flower

Chinese Name

Picture



Origin

Biond Magnolia Flower is the dried flower bud of *Magnolia bilindii* Pamp. *Magnolia denudata* Desr. or *Magnolia sprengeri* Pamp. (Fam. Magnoliaceae).

Nature and Affinity

Pungent to the taste, warm in nature, and distributes to the Lung and Stomach Channels.

Main Active Ingredient

Magnolin (C23H28O7)

Precaution



### DESCRIPTION

Flower of *Magnolia bilindii* Long ovoid, like the tip of a writing brush, 1.2~2.5 cm long, 0.8~1.5 cm in diameter. Mostly the base with a pedicel, about 5 mm long, exhibiting whitish dotted lenticels. Bracts 2~3 layers, each layer 2 segments, bearing small scaly buds between 2 layers of bracts, outer surface of bract densely covered with grayish-white of grayish-green tomentum, inner surface brownish, glabrous. Perianth-segments 9, brownish, outer ones 3, stripe-shaped, about 1/4 in length of the inner ones, sepallid, inner ones 6, arranged in 2 whorls of 3. Stamens and pistils numerous, spirally arranged. Texture light and fragile. Odour, aromatic; taste, pungent, cool and slightly bitter.

Flower of *Magnolia denudata* 1.5~3 cm long, 1~1.5 cm in diameter. Base with a stouter pedicel, lenticels brownish. Outer surface of bract densely covered with grayish-white or grayish-green hairs. Perianth-segments 9, outer whorls and inner whorls homogeneous.

Flower of *Magnolia sprengeri* 2~4 cm long, 1~2 cm in diameter. Pedicels stout, lenticels reddish-brown. Outer surface of bract densely covered with yellowish of yellowish-green tomentum, sometimes the outermost bracts appearing blackish-brown after the hairs fall off. Perianth-segments 10~12~15, less differentiated between the outer and inner whorls.



### ACTION

To dispel wind-cold and relieve nasal obstruction.



### INDICATIONS

Headache and nasal obstruction in colds; sinusitis with purulent discharge.

**Storage**

Preserve in a cool and dry place, protected from moisture and moth.

**REFERENTIAL ADVICE**

1. Dispersing evil wind-heat from superficialities

For the treatment of cold due to invasion by evil wind and cold, marked by headache, obstruction of the nose, etc., It may be combined with Radix Angelicae Dahuricae, Radix Ledebouriellae, Rhizoma Ligustici Chuanxiong, etc.

2. Removing obstruction of nose.

It is indicated in sinusitis and headache, accompanied with obstruction of the nose, purulent nasal discharge, loss of smelling; usually it is regarded as a medicine specially for the treatment of sinusitis. For the treatment of nose sinusitis due to invasion by wind-cold, it may be combined with Racix Angelicae Dahuricae, Herba Asari, etc.; for that due to wind-heat, it may be combined with Herba Menthae, Racix Scutellariae, etc/

Now, it is often used for chronic rhinitis, allergic, rhinitis, and maxillary sinusitis. And medicinal powder are often used for local administration by dripping, insufflating or smearing ; they often reveal satisfactory effects.

**TIPS**

Incompatible with *Astragalus membranaceus*.

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